

89. (New) The network of claim 86 wherein said media content identifier comprises at least one of: a filename, metadata and text.

### **Remarks/Arguments**

#### **Summary of Telephonic Interview**

A telephonic interview was held between the undersigned applicant's attorney and Examiner Joseph Ustaris on 13 December 2007. Claim 86 was discussed with reference to Ottesen. In particular, applicant questioned the basis for the Office's assertion that applicant's claimed "media content identifier" is disclosed by, and/or equivalent to an "address identifier" as that term is defined in Ottesen's specification.

Applicant took the position that Ottesen's "address identifier" by definition (in Ottesen's own specification) is limited to a physical storage address, while applicant's claimed "media content identifier" comprises, for example, metadata. Ottesen lacks any teaching of an address identifier that is anything other than a physical storage address. Therefore, Ottesen's disclosure of a storage address encoded in a media block does not teach applicant's claimed media content identifier.

Applicant further pointed out applicant's claimed invention would be operable without any physical address included in applicant's "media content identifier". In contrast, the invention disclosed in Ottesen relies on an address identifier equal to a physical storage location for operation of Ottesen's device.

The examiner took the position that limitations in applicant's specification could not be read into applicant's claim term. Applicant took the position that applicant's claim term was per se broad because applicant's term "media content identifier" does not include the word "address" as a modifier, and further, the rationale cited by the examiner regarding "reading into" a claim term would preclude the Office from reading the limitations of Ottesen's specification, re: "address" into applicant's claim term where no address is recited in applicant's claim. No conclusion was reached. Applicant thanks the examiner for the courtesy he extended in granting the interview and also for his courteous, positive, informative and constructive approach to the discussion.

### **Claim Objections**

*Claims 78-81 and 85*

The Office objects to Claims 78 – 81 and 85 because of the following informalities: Claims 78-81 and 85 recite: "The media content transformer" while other dependent claims recite "The transformer". The Office suggests using consistent language throughout the claims.

In response, applicant has amended or canceled the claims according to the suggestion of the Office with thanks for its suggestion. The remaining claims now recite "The transformer".

*Claim 78*

The office objects to claim 78 as depending on canceled claim 74. The office correctly assumes that claim 78 should depend on claim 75. Applicant has corrected the dependency and thanks the office for noting the error.

*Claims 78-81 and 84-86*

The Office objects to Claim 78 as reciting the limitation: "the media content transformer" and "said media content transformer" in lines 1 and 3. The office cites insufficient antecedent basis for this limitation in the claim. Applicant has amended claim 78 to correct the antecedent basis problem by removing the phrase "media content" and thanks the office for noting the error.

The Office objects to claims 79 and 85 as reciting the limitations "the media content transformer" and "the time-sequence of digital frames" in lines 1 and 2. The office cites insufficient antecedent basis for this limitation in the claim. Applicant has made appropriate correction in claims 79 and 85 and thanks the Office for noting the error.

The Office objects to claim 80 as reciting the limitation "the media content transformer" in line 1. The Office cites insufficient antecedent basis for this limitation in the claim. Applicant has made appropriate correction in claim 80 and thanks the Office for noting the error.

The Office objects to claim 81 as reciting the limitation "the media content transformer" in line 1. The Office cites insufficient antecedent basis for this limitation in the claim. Applicant has made appropriate correction in claim 81 and thanks the Office for noting the error.

The Office objects to Claim 84 as reciting the limitation "said media content transformer" in line 3. Further with regard to claims 84 and 85 the office objects to the

claims as being a substantial duplicate of claim 78 and 79 respectively. In response, applicant hereby cancels claims 84 and 85.

The Office objects to Claim 86 as reciting the limitations "said data storage device", "said at least one media content block", and "said media content identifier" in lines 1-3. The office notes there is insufficient antecedent basis for this limitation in the claim. In response applicant has amended the claim to recite "a data storage device", "at least one media content block", "a media content identifier" thereby obviating the requirement for antecedent basis for these terms.

### **Claim Rejections - 35 USC § 102**

Claim 86 is rejected under 35 U.S.C. 102(b) as being anticipated by Ottesen et al. (US005930493A). Regarding claim 86, the official action states Ottesen et al. (Ottesen) discloses a network (citing Ottesen Figs. 2-3) comprising: a plurality of servers (citing Ottesen col. 8 lines 28-33), distribution resources provided at a plurality of sites including at least one distribution server (citing Ottesen Fig. 3, 30) coupled to said data storage device (citing Ottesen Fig. 3, 40) and adapted to retrieve said at least one media content block (citing Ottesen Figs. 5 and 6) based upon said **media content identifier** (citing Ottesen col. 9 line 60 - col. 10 line 10, emphasis mine).

"Analysis of whether a claim is patentable over the prior art under 35 USC 102 begins with a determination of the scope of the claim. We determine the scope of the claims in a patent application not solely on the basis of claim language but upon giving the claims their broadest possible construction in light of the specification as it would be interpreted by one of ordinary skill in the art." (BPAI, in re: Mary Smith, Appeal 2007-1925, decided June 25, 2007, citing In re Am. Acad. Of Sci. Tech. Ctr., 367 F3d 1359, 1364; USPQ 2d 1827, 1830 (Fed Cir. 2007). "The properly interpreted claim must be compared to the prior art." (BPAI, in re: Mary Smith, Appeal 2007-1925, decided June 25, 2007)

When applicant's claims reciting "description of media content" are interpreted with a scope commensurate with applicant's specification and compared with the description of Ottesen regarding "address identifiers" it is readily apparent that Ottesen's description of an "address identifier" does not teach applicant's claimed "media content identifier. However, in order to facilitate examination applicant has amended claim 86 to emphasize the distinctions. Applicant's claim 86 now recites:

A network comprising at least one distribution server coupled to at least one data storage device, the distribution server adapted to retrieve at least one media content block from said at least one storage device based upon a description of stored media content.

Support for applicant's amended claim language is found in applicant's specification. For example, on page 8 lines 7-12 applicant's specification states: "A client user wishing to view the saved media content inputs a request to the aforementioned delivery apparatus, providing sufficient identification to describe the media content to be viewed". Thus, applicant's claim feature is directed to descriptions of media content, per se, while Ottesen's description of an "address identifier" describes no more than a physical storage address wherein media content is stored.

Another example of a description of media content described in applicant's specification is "metadata". Applicant's specification, page 26 lines 12 – 14 provides: "Meta-data 340 is a collection of information or data for all media content blocks created by capture server 100 and stored on data storage 120." Numerous examples of metadata suitable for "description of stored media content", are described in the tables found in applicant's specification on pages 27 – 29. For example metadata comprising a "channel name" describes media content by public name of a channel. This is but one of many examples of "descriptions of media content" found in applicant's specification.

The office cites Ottesen col. 9 line 60 - col. 10 line 10, as disclosing applicant's media content identifier *comprising description of media content*. The cited portion of Ottesen is reproduced below for convenience of reference.

devices. When processed by the index parser 33, each of the compressed digital video segments 48 is preferably encoded with a unique segment address. A first video segment 48, for example, may be encoded or tagged with an address identifier of "A1," while the second discrete video segment 48 may be encoded with an address of "A2." As such, each of the discrete source video segments 48 is preferably locatable within the storage device by reference to its unique address.

An address table may be employed to provide mapping to physical storage locations associated with a particular virtual or indirect video segment address. Having indexed each of the video segments 48 with a unique address and stored the video segments on a mass storage device, such as a digital storage device 35, reference to specific video segment 48 addresses provides an efficient means for organizing the video segments 48 in a customized manner, and transmitting the video segments 48 to a target set-top control system 62.

From the foregoing cited text, it is readily seen that Ottesen discloses no more than encoding video segments with a memory address. The video segments are locatable by reference to the unique encoded address either directly or by mapping of virtual address locations to the encoded physical address locations. Using Ottesen's system it would be necessary first to encode an address onto a segment, and second to know either the virtual or physical memory address that has been encoded in order to retrieve the matching segment. In contrast Applicant's claimed invention is not limited in the aforementioned respects. One need not know the storage location, either virtual or physical, of a media block to retrieve its content based on a description of media content using applicant's invention. Further, using applicant's invention more than one media block is retrievable based on the same description of media content. In that regard Ottesen "teaches away" from applicants invention.

One of ordinary skill in the art, upon reading applicant's claims interpreted in light of applicant's specification and comparing the claims with the disclosure of Ottesen would readily determine Ottesen lacks any description of retrieving media content based on description of the content.

### **Claim Rejections - 35 USC § 103**

Claims 75-85 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ottesen et al. (US005930493A) in view of Shirakawa et al. (US006539164B2). Regarding claim 75, the Office asserts Ottesen et al. (Ottesen) discloses a transformer (See Fig. 3, 30) comprising features of applicant's claimed invention. Applicant has amended claims 75-85 and 87 to recite a "media content identifier comprising a description of media content". For the reasons cited above with respect to claim 86 applicant respectfully disagrees that Ottesen discloses applicant's transformer because Ottesen lacks any description of a "media content identifier comprising a description of media content".

#### **Ottensen's Index Parser**

The index parser of Ottesen provides an "address identifier", i.e., "address" for each video segment. The address uniquely identifies the storage location of a video segment on a memory. See Ottesen, (col. Lines) where is stated:

"A first video segment 48, for example, may be encoded or tagged with an address identifier of "A1," while the second discrete video segment 48 may be encoded with an address of "A2." As such, each of the discrete source video segments 48 is preferably locatable within the storage device by reference to its unique address. An address table may

be employed to provide mapping to **physical storage locations** associated with a particular **virtual or indirect video segment address**. Having indexed each of the video segments 48 with a **unique address** and stored the video segments on a mass storage device, such as a digital storage device 35, **reference to specific video segment 48 addresses** provides an efficient means for organizing the video segments 48 in a customized manner, and transmitting the video segments 48 to a target set-top control system 62.

From this description it is clear the term “address identifier” described by Ottesen in the context of index parser 33 refers to addresses of video segments. Ottesen does not teach an index parser that is capable of providing an identifier that is NOT a physical location and is NOT encoded onto a video segment. It is a feature of applicant’s invention that media content identifiers describe content of media blocks, **regardless of where the blocks are physically stored**, that confers benefits and functionality upon the claimed invention that cannot be conferred by following the teaching of Ottesen taken alone, or in combination with any other cited reference.

Having fully addressed the Examiner’s rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited.

Respectfully submitted,

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February 19, 2008